

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
RESPONDENT
vs.**

**ROBERT MALDONADO-ECHEVERRIA,
APPELLANT**

DOCKET NUMBER WD74860

DATE: APRIL 30, 2013

Appeal from:

The Circuit Court of Saline County, Missouri
The Honorable Dennis A. Rolf, Judge

Appellate Judges:

Division One: James E. Welsh, Chief Judge, Victor C. Howard, Judge and Peggy Stevens
McGraw, Special Judge

Attorneys:

Dora Fichter, for Respondent

Mark D. Hagen, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

ROBERTO MALDONADO-ECHEVERRIA, APPELLANT

WD74860

Saline County, Missouri

Before Division Four: James E. Welsh, Chief Judge, Victor C. Howard, Judge and Peggy Stevens McGraw, Special Judge

Roberto Maldonado-Echieverra appeals his conviction and twenty-five year sentence for second degree drug trafficking, section 195.223, RSMo Cum. Supp. 2009. He claims that his conviction was not supported by sufficient evidence. The judgment of conviction is reversed.

REVERSED.

Division Four holds:

Evidence was insufficient to permit the inference that Maldonado had knowledge and control of methamphetamine found hidden under bed liner of the truck in which he was a passenger where the methamphetamine was not in plain view or in close proximity to or easily accessible by Maldonado; no personal belongings were found with the drugs; Maldonado did not own the truck and no evidence was presented as to how long he had been in the vehicle, whether he rode in it on a frequent basis, or had ever been in it before; his inconsistent story with the driver of the truck did not necessarily establish that he made false statements in attempt to deceive police; no evidence was presented that he owned the GPS and even if he used it, GPS's and cell phones have many legitimate uses; the strong odor was of an air freshener not illegal drugs; and Maldonado's nervousness could have been attributed to an active warrant for his arrest.

Opinion by: Victor C. Howard, Judge

Date: April 30, 2013

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